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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/058,645	01/28/2002	Anthony Walter Anson	105005-0055C1	5057

7590 07/28/2005

INTELLECTUAL PROPERTY DEPT.
DEWITT ROSS AND STEVENS
8000 EXCELSIOR DRIVE, 4TH FLOOR
MADISON, WI 53717-1914

EXAMINER

THALER, MICHAEL H

ART UNIT PAPER NUMBER

3731

DATE MAILED: 07/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/058,645

Applicant(s)

ANSON ET AL.

Examiner

Michael Thaler

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 14 February 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 24-34, 36-43 and 46-64 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 24-34, 39-43, 46-50, 52-61 and 63 is/are allowed.
- 6) ☒ Claim(s) 36-38, 51 and 64 is/are rejected.
- 7) ☒ Claim(s) 62 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☐ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: _____

Claim 51 is rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Purdy (5,527,338). Purdy, in figures 1-2, disclose a stent which is expandable from a relatively straightened state (figure 1) to an occluding anchor part 12 (figure 2) having turns of cycloidal form which are substantially coplanar. Members 12, 14, 16a, 16b and 16c may be fused together (col. 6, lines 10-14) which makes the stent a single unitary length of wire. Alternatively, assuming arguendo that the stent is not a single unitary length of wire, Purdy teaches, in figure 4, that the stent may have only 2 (instead of three) connecting fibers 36a, 36b which are attached to the ends of each coil and teaches that by varying the number of fibers, an advantage can be obtained in that the behavior of the lead element 34 can be altered (col. 6, lines 34-44). It would have been obvious to provide only 2 connecting fibers attached to the ends of each coil in the figure 1-2 stent so that this embodiment too would have this advantage. With this modification, the stent would be a single unitary length of wire, extending from one end of element 14 to an end of a connecting fiber, through the connecting fiber to its opposite end, to one end of element 12, through element 12 to its opposite end, to one end of another connecting element,

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through the connecting fiber to its opposite end, to the other end of element 14 and through element 14.

Claims 36-38 and 64 are rejected under 35 U.S.C. 102(b) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Tydings (4,352,542). Tydings discloses a releasable connector 10 for releasably connecting first and second parts 11, 12, comprising a first connector region (the left half of connector 10 as seen in figure 1, for example) which has a shape memory effect (col. 2 line 41 to col. 3, line 9) and a second connector region (the right half of connector 10), the first and second connector regions separate from but adapted to be secured to the first and second parts 11, 12. Paragraph b of claim 36 merely refers to the intended use of the connector. The second connector region of Tydings connector is inherently capable of retaining the same shape both above and below the trigger temperature. For example, each of the portions of the second connector region could be held securely in a vise or clamp so they cannot change shape even when their temperature changes. As to claim 37 and 38, the Tydings connector regions are bush parts. As to claim 64, the first and second parts are not part of the claimed combination as indicated in claim 36, lines 1-2.

Claims 62 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claims 24-34, 39-43, 46-50 and 52-61 and 63 are allowed.

Applicant's arguments filed Feb. 14, 2005 have been fully considered but they are not persuasive. As to claim 51, the final product of the Purdy stent is a single unitary length of wire since the ends of the sections of the wire are fused together.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Thaler whose telephone number is (571)272-4704. The examiner can normally be reached Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Anhtuan T. Nguyen can be reached on (571)272-4963. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9306.

mht
7/25/05



MICHAEL THALER
PRIMARY EXAMINER
ART UNIT 3731